

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION**

THOMAS MARTIN, JR.,)	
)	
Petitioner,)	
)	
v.)	Case No. 3:23-cv-00752-AMM-
)	JHE
SHANNON OLIVER, et al.,)	
)	
Respondents.)	

MEMORANDUM OPINION

Petitioner Thomas Martin, Jr. filed a *pro se* amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, along with exhibits, challenging his pretrial detention in the Franklin County Jail. Doc. 1; Doc. 5. On November 14, 2023, the magistrate judge entered a report recommending the amended petition be dismissed without prejudice based on Martin's failure to exhaust state court remedies. Doc. 13. The report and recommendation, Doc. 13, and exhibits, Doc. 14, were mailed to Martin at the Franklin County Jail, which is his address of record.

On December 11, 2023, the magistrate judge entered an order noting that the Franklin County Jail's online inmate database did not list Martin as a current inmate. Doc. 15 at 2. The magistrate judge further noted that the Alabama online trial system indicated that Martin had been released on bond and listed an alternate address for him. *Id.* Therefore, the magistrate judge directed the Clerk of Court to resend the

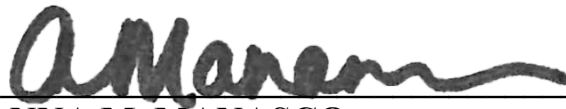
report and recommendation and exhibits to Martin at both the Franklin County Jail and his alternate address. *Id.* The magistrate judge advised Martin that he had fourteen days from the entry date of the order to file objections to the report and recommendation. *Id.* More than fourteen days have elapsed, and Martin has not filed objections or otherwise responded to the order.

After careful consideration of the record in this case and the magistrate judge's report, the court **ADOPTS** the report and **ACCEPTS** the recommendation. Consistent with that recommendation, the court finds that Martin's amended petition for a writ of habeas corpus is due to be dismissed without prejudice based on his failure to exhaust state court remedies.

This court may issue a certificate of appealability "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To make such a showing, a "petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong," *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or "that the issues presented were adequate to deserve encouragement to proceed further," *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (cleaned up). The court concludes Martin's amended petition does not satisfy either standard.

A Final Judgment will be entered.

DONE and **ORDERED** this 8th day of January, 2024.

A handwritten signature in dark ink, appearing to read 'A. Manasco', written over a horizontal line.

ANNA M. MANASCO
UNITED STATES DISTRICT JUDGE